

1763



PATENT

Customer No. 22,852

Attorney Docket No. 07553.0030 (formerly 07363.0010)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: )  
)  
U.S. Patent No.: 5,792,261 )  
)  
Inventor: Kiichi HAMA et al. )  
)  
Issued: August 11, 1998 )  
)  
Serial No.: 09/478,370 )  
)  
Filed: February 16, 2000 )  
)  
For: PLASMA PROCESS )  
APPARATUS )

#201  
6/10/02  
mw

Group Art Unit: 1763

Examiner: L. Alejandro Mulero

Commissioner for Patents  
Washington, DC 20231

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JUN 06 2002

TC 1700

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Applicant traverses the Notice of Non-Compliant Amendment mailed May 15, 2002 (copy attached), the period for response extending through June 15, 2002.

The Notice purports to be a Notice under 37 C.F.R. § 1.121, and asserts that applicant's Amendment of May 9, 2002 is non-compliant with 37 C.F.R. § 1.121 because it lacks clean and marked-up versions of the claim amendments in accordance with 37 C.F.R. § 1.121, and requires submission of clean and marked-up versions of the amended claims.

The Notice is improper, because 37 C.F.R. § 1.121 is not applicable to this Amendment.

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This is a reissue application. 37 C.F.R. § 1.121(a) relates expressly to "amendments in applications, other than reissue applications." Amendments in reissue applications are regulated by 37 C.F.R. § 1.173 and M.P.E.P. 1453(b)(2), not 37 C.F.R. § 1.121. No clean (non-underlined version) of amended claims in a reissue application is required by M.P.E.P. 1453 or 37 C.F.R. § 1.173.

In order to be fully compliant with M.P.E.P. 1453(b)(2), applicant submits herewith an Appendix to Amendment filed May 9, 2002, including amended claims 124 and 137, showing brackets around the material removed from these claims. All other material is properly underlined in accordance with M.P.E.P. 1453(b)(6) because the amendments were made relative to the issued patent, in accordance with the rules.

Accordingly, the Amendment of May 9, 2002 is fully compliant with the applicable Rule, and the Notice of Non-Compliant Amendment is improper and should be withdrawn.

Please charge any fees required to file this Response to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 4, 2002

By: 

James W. Edmondson  
Reg. No. 33,871

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,370	02/16/2000	KIICHI HAMA	7363.0010	1598

7590 05/15/2002

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EXAMINER

ALEJANDRO MULERO, LUZ L

ART UNIT PAPER NUMBER

1763

DATE MAILED: 05/15/2002



Please find below and/or attached an Office communication concerning this application or proceeding.

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Docketed 5-23-02 Attorney DWH/JSWE  
Case 7553.0010  
Due Date 6-15-02 u/EXT  
Action RES. 2WFE  
By 3

✓ 5-23-02 L



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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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Paper No.



Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 5/9/02 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☒ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☐ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☒ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: The clean version and the marked up version of the claims is missing.

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. ~~A condensed version of a sample amendment format is attached.~~

- ☐ **PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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Legal Instruments Examiner (LIE)

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